

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cristal Rivera	Team: Team # 2	CCRB Case #: 200610980	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 08/19/2006 9:00 PM	Location of Incident: Inside Dekalb Train Station	Precinct:	18 Mo. SOL 2/19/2008	EO SOL 2/19/2008	
Date/Time CV Reported Sat, 08/19/2006 10:41 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 08/19/2006 10:41 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Thomas Marksberry	28033	927605	TB DT30

Officer(s)	Allegation	Investigator Recommendation
A.POM Thomas Marksberry	Force: PO Thomas Marksberry used physical force against § 87(2)(b)	

## Synopsis

On August 19, 2006 § 87(2)(b) filed a complaint with the CCRB via telephone. § 87(2)(b) alleges that on August 19, 2006 at approximately 9:00PM she and her son were in a train station trying to get change from a token booth clerk. The token booth clerk was "very nasty" to her son, therefore § 87(2)(b) intervened; the token booth clerk and § 87(2)(b) got into an argument. § 87(2)(b) son went to the platform and told PO1 (later identified as PO Marksberry) about the situation. The token booth clerk told PO Marksberry that she wanted § 87(2)(b) out of "her station." PO Marksberry grabbed § 87(2)(b)'s arm and twisted it; § 87(2)(b)'s arm was sore. When § 87(2)(b) tried to read PO Marksberry's name from his badge "he threw it up her face, in her eye." She provided no further details about this incident. § 87(2)(b) and her son did not receive a summons and were not arrested.

On August 22, 2006 the undersigned investigator made contact with § 87(2)(b) via telephone, she refused mediation. She gave a statement regarding the incident that occurred on August 19, 2006 at 9PM inside the Delkalb Station. § 87(2)(b) stated that on August 19, 2006 she was standing outside of the subway station and needed to refill her metro card. She was with her son, and being that § 87(2)(b) is ill with Lupus and Diabetes and recently had an operation on her foot, she did not want to walk down the stairs to refill her card. Her son took her card and walked down the stairs to refill it, but since it is a "disability card" it has a photograph of § 87(2)(b) on it to verify that she is the owner. When her son brought the card downstairs the ticket booth clerk said she could not fill the metro card because the picture identification did not match that of § 87(2)(b)'s son. Her son went upstairs to get his mother to come down and fill the metro card in person. While her son was downstairs § 87(2)(b) saw an officer, later identified as PO Thomas Marksberry, talking on his cell phone and cursing to the woman on the phone. She thought that it was inappropriate for him to be talking on the phone while he was on duty, but went downstairs to fill her card. § 87(2)(b) handed the ticket booth clerk her metro card, but she didn't believe that the picture matched. § 87(2)(b) and the ticket booth clerk got into an argument; the ticket booth operator did not "ask for identification" instead she argued and cursed at § 87(2)(b). § 87(2)(b)'s son went upstairs to get PO Marksberry to come downstairs and help § 87(2)(b) get her card filled by the clerk. PO Marksberry started arguing with § 87(2)(b) and grabbed § 87(2)(b)'s arm telling her "I am going to arrest you" and twisted her arm. The ticket booth clerk told PO Marksberry that she wanted § 87(2)(b) out of "her train station." PO Marksberry made § 87(2)(b) leave the train station. § 87(2)(b) is angry because PO Marksberry did not have to "put his hands on her" as she was not getting into a physical altercation with the ticket clerk.

§ 87(2)(b) had trouble sleeping the night that this happened, and had to go to the hospital. She went to § 87(2)(b) and was treated for high blood pressure and a diabetic emergency. § 87(2)(b) was unsure how she wanted to progress with the investigation, she asked for time to make a decision. § 87(2)(b) agreed to contact the investigator by August 24, 2006 with a decision on how she wanted to proceed. § 87(2)(b) never contacted the CCRB.

On August 24, 2006 a telephone call was made to § 87(2)(b) and her son took a message for her to call back the CCRB by Monday August 28, 2006. § 87(2)(b) never called the CCRB. On August 28, 2006 contact was made with § 87(2)(b) however she was still unsure how she wanted to proceed with the investigation, and asked for more time to make a decision. A deadline was given to § 87(2)(b) to call the CCRB by Friday September 1, 2006 with a decision. On Friday September 1, 2006 the undersigned investigator called § 87(2)(b) her son answered the phone saying she was not going to be home. The son was informed that if § 87(2)(b) does not get in touch with the CCRB by the end of the work day her case would be closed.

§ 87(2)(b) never called the CCRB with a decision on how she wanted to proceed with her investigation.  
§ 87(2)(g)  
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Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: